

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: LeVAUGHN et al.)	
)	Conf. No.: 9120
Intl. App. Serial No.: PCT/US2004/026981)	
)	Group Art Unit: 3731
Intl. Filing Date: August 19, 2004)	
)	Examiner: unassigned
U.S. App. Serial No.: 10/569,021)	
)	
U.S. Filing Date: February 17, 2006)	
)	
For: BLOOD SAMPLING DEVICE)	
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RENEWED PETITION UNDER 37 CFR 1.47(a) and 1.137(b)

Attn: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

GARDNER GROFF GREENWALD
& VILLANUEVA, PC
2018 Powers Ferry Rd, Ste 800
Atlanta, Georgia 30339

November 20, 2008

Filed Electronically

Dear Sir:

Please find enclosed in response to the DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a) and 1.137(b) dated October 27, 2008:

· Signed Declarations

Applicant claims Small Entity Status.

The February 27, 2008 "Decision on Renewed Petition Under 37 CFR 1.47(a) and 137(b)" was addressed to and mailed to the wrong law firm. As a result, Applicant's counsel never received this Decision. Accordingly, the Decision was re-sent on October

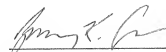
27, 2008 to the correct address, and the applicable period to file a Request for Reconsideration was reset.

To summarize the previous Petition, after a diligent search, the Applicant stated that co-inventor, Mitchell Solis, was either unavailable or refused to sign a Declaration for inventorship. The Applicant petitioned under 37 CFR 1.47 (a) and MPEP 409.3(d) that the inventor was either unavailable or refused to sign the Declaration. In addition, the Applicant stated that a *bona fide* attempt to comply with the provisions of 37 CFR 1.47 had been made and submitted proof of their diligence and attempts to obtain the signature of inventor Solis. Despite this submission of proof, that Petition was denied.

However, since filing the previous Petition, Applicant's counsel located Mr. Solis, and Mr. Solis has now signed the Declaration. In light of this Renewed Petition submitted with a signed Declaration by co-inventor Mitchell Solis, the Applicant believes that all of the requirements set forth in 37 CFR 1.137 (b) have been met. Thus the Applicant respectfully requests that the instant application be revived and that prosecution ensues.

Although no additional fees are believed to be due, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number **50-1513**. This Response is believed to be timely. However, if any extension of time is necessary, please consider this a request therefor.

Respectfully submitted,



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